

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAI MALENA JIMENEZ-FOGARTY,
Plaintiff,
-against-
THOMAS FOGARTY et al.,
Defendants.

Case No. 1:24-cv-08705 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

For the reasons set forth in the Court's December 12, 2024 Order, Dkt. 20, Plaintiff's motion to disqualify Defendant Thomas Fogarty's attorneys at Miller Zeiderman, Ashley Kersting and Lisa Zeiderman, from representing him in this case, is DENIED.

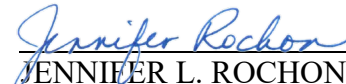
Plaintiff's request for relief due to retaliatory actions by Defendant Fogarty is likewise denied. Dkt. 20. To the extent that Plaintiff asserts that Fogarty engaged in retaliatory actions by denying Plaintiff access to her children during holidays and other designated visitations days and/or by disregarding her children's well-being by sending them for visits without proper coats, Plaintiff should raise those concerns in the ongoing matrimonial proceedings. To the extent that Plaintiff asserts that Defendant has engaged in a clear and unlawful violation of a Confidential Address Court Order, that Order applied only to proceedings in the Supreme Court of the State of New York, Rockland County. See Dkt. 20, Ex. 3.

The Court denies Plaintiff's request for the immediate incarceration of Fogarty. Her claims of retaliatory conduct have not been sufficiently pleaded and, in any event, incarceration is not a remedy for a civil retaliation claim. Moreover, neither the FLSA nor Title VII apply here because Defendant Fogarty and Plaintiff are not alleged to be in an employee-employer relationship.

The Clerk of Court is respectfully directed to close the motions at Dkts. 20 and 21.

Dated: December 17, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge